No. 91-749

Supreme Court, U.S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1991

JULIA McCAIN LAMPKIN ASAM, Ph.D.,J.D.

Petitioner

v.

CITY OF TUSCALOOSA ET AL.

Respondents

PETITION FOR WRIT FOR CERTIORARI FROM SUPREME COURT OF ALABAMA

PETITION FOR WRIT OF CERTIORARI

ORAL ARGUMENT REQUESTED

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QUESTIONS PRESENTED FOR REVIEW

I. Whether the highest court of the state misinterpretation of own procedural appellate rules by not following own case law [Dillard v. Southern State Ford, Inc., 541 So. 2d 483, (Ala. 1989) since Plaintiff, Dr. Asam (now petitioner) was not notified and case summary sheet was missing from courthouse together with entire file for over 42 days i.e. Dr. Asam was not notified until appeal time had expired if the case summary sheet was considered entry of summary judgment; however, in the instant case the Case Action Summary Sheet stated "order to follow" and was not entered and filed until March 26, 1990, making the Notice of Appeal timely as filed on April 24, 1990], i.e. Rule 4, Alabama Rules of Appellate Procedure misinterpretation by the state court is a violation of the due process rights of Dr. Asam to appeal on the merits of a zoning and rezoning

case in which the City of Tuscaloosa was **selectively, arbitrarily, capriciously, intentionally discriminatorily, and confiscatorily, taking property Dr. Asam who** wished to practice law in one of the buildings on her property when within 500 feet of her property, the City of Tuscaloosa did rezone from R2 to BN, the same type of rezoning that Dr. Asam was trying to obtain to practice law, and the said property which was rezoned was allowed to have the operation of a construction and sales business involving trucks and a lot of traffic, and this violation of the due process rights of Dr. Asam to appeal in a court is a violation of the 5th and 14th Amendments rights of Dr. Asam under the U.S. Constitution?

II. Whether the taking of property rights because a procedural state law impinging on the rights of appeal is a violation of the 5th and 14th amendments constitutional rights under

the U.S. Constitution because the City of Tuscaloosa was intentionally and selectively discriminating against Dr. Asam and blocking her from the rezoning from R2 to BN so that she could not practice law because the state procedural law misinterpretation should be preempted when federal law violations especially since the instant case by the City of Tuscaloosa selectively and intentionally discriminating against the rezoning from R2 to BN Dr. Asam's rights of equal protection under the law were violated by the City of Tuscaloosa re-zoning R2 to BN within 500 feet, and not granting a rezoning from R2 to BN for Dr. Asam when the City of Tuscaloosa used an illegal petition, i.e. a petition solicited for another property and used against Dr. Asam's property and Dr. Asam was not allowed due process in the appeal court because of misinterpretation of the

law on Rule 4[1], Ala. Rules of App. Procedure, concerning when "entry of the judgment" was entered. [see Dillard v. Southern State Ford, Inc., 541 So. 2d 483, (Ala. 1989), and the state of Alabama highest court did not follow own law in the Dillard case, because Dr. Asam was not notified of the Jan. 18, 1990 rendering of judgment in the case summary sheet which disappeared with the entire case file until after the appeal time had expired 42 days since Jan. 18, 1990, but the Hon. Judge stated " "order to follow", and the "final judgment" was not entered until March 26, 1990, making the Notice of Appeal filed on April 24, 1990, and the instant case should be reversed and remanded for a jury trial.

[1]Rule 4, Ala. Rules of App. Procedure, "Appeal as of Right -- When Taken (a) (1) ..."the notice of appeal ... shall be filed with the clerk of the trial court within 42 days ... of the date of the entry of the judgment or order appealed from."

and the instant case "Writ of Certiorari" should be granted so that "Merits Brief" can be written and then the instant case, after review, the instant case should be reversed and remanded.

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PARTIES TO THE PROCEEDING

Julia McCain Lampkin Asam, Ph.D.,J.D. (Appellant and Plaintiff below, and pro se in this court but Attorney At Law also.) City of Tuscaloosa, a municipal corporation, Respondent, (Appellee and Defendant below).

Other defendants/Appellees as listed in in title page of Appellant brief are: Hon. Alvin P. DuPont, Mayor, City Council, William Lanford, Pres. Pro-Tem, City of Tuscaloosa Planning and Zoning Commission, Roy Madison, Chairman, Tommy Dockery, Donald McDaniel, Robert G. Hicks and Martha Golsom.

ORAL ARGUMENT REQUESTED

The Petitioner respectively requests that oral argument be allowed because of the complexity of the facts and the law in the instant case, and so that the Honorable Justices can ask questions.

No.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1991

JULIA McCAIN LAMPKIN ASAM, Ph.D.,J.D.

PETITIONER

V.

CITY OF TUSCALOOSA, ET AL.

RESPONDENTS

PETITION FOR WRIT FOR CERTIORARI FROM THE SUPREME COURT OF ALABAMA

OPINIONS BELOW

The Petitioner incorporates all statements which are stated in the Appendix as Opinions Below into this Writ of Certiorari.

The opinion written by Honorable Justice Robertson was dated April 5, 1991, and is found in Appendix I, and is from the Court of Civil Appeals of the State of Alabama.

On May 10, 1991, the Application for Rehearing was overruled.

On August 9, 1991, the Writ of Certiorari to the Supreme Court of Alabama was denied.

JURISDICTION

Reversal and review is sought from the opinion of the Court of Civil Appeals of the State of Alabama, and from the Supreme Court of Alabama, the highest court in Alabama who denied the Writ for Certiorari on the state level. Jurisdiction is invoked under title 28, United States Code, Section 1257 (3).

Constitutional Provisions involved

Amendment XIV of the Constitution of the United States provides, in part, as follows:

"... no state shall make or enforce any law which shall ... deprive any person of ... property without due process of law..."

Amendment XIV of the Constitution of the United States further provides, in part, as follows:

"... no state shall make or enforce any law which shall ... deprive any person of ... property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Also, jurisdiction of this Court is invoked under U.S. Constitution, Amendment V, "no person shall... be deprived of life, liberty or property, without due process of law;"

STATEMENT OF THE CASE

The merits of this case is concerned with zoning and rezoning. However, the instant Writ for Certiorari is concerned with the state procedural law impinging on the due process rights of Dr. Asam's 5th and 14th Amendment rights under the U.S. Constitution.

The State case was originally filed in the Supreme Court of Alabama because of the illegal petition which is incorporated

into this instant Writ of Certiorari Petition. The Supreme Court of Alabama]case no. 89-1108] did not challege whether the appeal was timely filed in the 89-1108 case; however, after the case was transferred to the Court of Appeals of the State of Alabama, the question then arose as to whether the appeal was timely filed due to the fact a case summary sheet had stated "1/18/90 Defendants' MFSJ granted - order to follow..." and instead of notifying the Plaintiff, Dr. Asam, the Defendants were notified only to write the order, and the defendants' attorney took over 42 days to write the order, and the extenuating circumstances of both the case summary sheet and the entire case file disappeared from the courthouse, and/or was misplaced out of file, and Dr. Asam could not find out what date the summary judgment was ruled on by the judge. [The appellate court failed to follow own law as to the Dillard case, cited above.]

Dr. Asam timely filed the Notice of Appeal on April 24, 1990, after the Honorable Judge signed the "Final Judgment" which was filed and entered on March 26, 1990.

Dr. Asam could not have filed an appeal from the ruling January 18, 1990, since the court failed to notify her of the ruling which stated, "1/18/90 Defendants' MFSJ granted - order to follow ..."

The "final judgment" which is signed by the Honorable Judge was filed and entered on March 26, 1990. Therefore, the Notice of Appeal was timely filed on April 24, 1990.

The merits of the case is concernied with zoning and rezoning in which the City of Tuscaloosa **failed** to meet the threshold test to be fairly debatable case: the defendants/ respondents failed to rezone Prince Acres 3 and 4 with no substantial governmental reason [public health, safety, moral and general welfare].

Issue of whether or not the decision of the City of Tuscaloosa denying Plaintiff's rezoning petition is fairly debatable is CLEARLY A DISPUTABLE ISSUE IN THIS INSTANT CASE WHICH WOULD PRECLUDE ANY SUMMARY JUDGMENT. Also, any alleged traffic problem created by the practice of law is not fairly debatable as a matter of law [Jefferson County v. O'Rorke, 394 So. 2d 937 (Ala. 1981)]. such as was filed on March 26, 1990, by the Honorable Judge and was entiled "Final Judgment", and was entered on March 26, 1990, making the filing of a Notice of Appeal on April 24, 1990, a timely notice of appeal.

The Petitioner, should not have her due process rights under the 5th and 14th amendments to the U.S. Constitution to appeal jeopardized because of a local rule in the appellate court since the Hon. Judge tried to correct the problem by filing on March 26, 1990, the "Final Judgment", and clearly, this "Final Judgment" was the last ruling of

the Honorable Circuit court of Tuscaloosa when the document itself is entitled "Final Judgment", and the correct entry of judgment and final order of this Circuit Court of Tuscaloosa County was March 26, 1990, making the April 24, 1990 filing of the Notice of Appeal timely.

This is a case of a locate state appellate ruling violating the due process rights of Dr. Asam to appeal a zoning case which was more than just a zoning or rezoning case since the City of Tuscaloosa had allowed the use of an illegal petition which was allowed to be used against her when the said petition was solicited for another property.

STATEMENT OF THE FACTS

Dr. Asam who is also a lawyer, but is pro se in this instant case and she is asking that this Honorable Court to look at the true facts and the law on entry of judgment and note

that the only time Dr. Asam could appeal would be after she had knowledge of a final judgment.

Since there was no actual filing into the court of the Jan. 18, 1990, rendering of judgment, and the Hon. Judge wrote "order to follow" which was not filed and entered until March 26, 1990, the filing on April 24, 1990 was timely.

The bottom line procedural issue in this instant case is what date was the final order of the circuit court entered. On the fact of the document the March 26, 1990, order states "Final Judgment' which was the intention of the Hon. Judge to be his final order and was entered and filed on March 26, 1990.

City of Tuscaloosa official knowingly made false statement when official had actual and constructive Notice of three other business when state a reason of "spot zoning" for not rezoning from R2 to BN. The Studio of Beauty was across the street from 433

Prince Avenue, and three other businesses were within 500 feet: known as Saunders Construction Co., Saunders Sales Co., and Smith's Tree Stump business.

The fraud element of false statements are clearly shown in using an illegal petition solicited for one thing and used for another. For this fraud issue there should be a jury trial and not a decision for Motion for Summary Judgment, which should be reversed and remanded. Clearly, whether the illegal petition was used against Dr. Asam in preventing her from having her property rezoned from R2 to BN is a disputable fact and would preclude any summary judgment.

The bottom line is that there are disputable facts that should have been decided by a jury and because of unnecessary hardship of bomb threats, and death threats, the Petitioner should be allowed to practice law in one of her properties.

REASONS FOR WRIT OF CERTIORARI

I

The highest court of the state misinterpreted its own procedural appellate rule, [Rule 4, Alabama Rules of Appellate Procedure] by failure to follow its own case law as shown in [Dillard v. Southern State Ford, Inc., 541 So. 2d 483, (Ala. 1989) -- see p. this Writ, and is a violation of the due process rights of Dr. Asam to appeal on the merits of a zoning and rezoning case in which the City of Tuscaloosa was selectively, arbitrarily, capriciously, intentionally discriminatorily, and confiscatorily taking property from Dr. Asam who wished to practice law in one of the buildings on her property when within 500 feet of her property, the City of Tuscaloosa did rezone from R2 to BN, the same type of rezoning that Dr. Asam was trying to obtain to practice law, and the said property that was rezoned was allowed to have the operation of a construction and sales business involving

trucks and a lot of traffic, and this violation of the due process rights of Dr. Asam to appeal in a court is a violation of the 5th and 14th amendments rights of Dr. Asam under the U.S. Constitution.

Since Dr. Asam, plaintiff/appellant below was not notified Jan. 18, 1990, but defendants below were notified, and the case summary sheet which was missing from courthouse and/or misplaced together with entire file for over 42 days i.e. Dr. Asam was not notified until appeal time had expired if the case summary sheet was considered entry of summary judgment on Jan. 18, 1990; however, in the instant case, the Case Action Summary Sheet, stated "order to follow" and the final Judgment order was not entered and filed until March 26, 1990, making the Notice of Appeal timely flied on April 24, 1990, i.e. Rule 4, Alabama Rules of Appellate Procedure, misinterpretation by the state highest court is a violation of the due process rights of Dr.

Asam to appeal on the merits of a zoning and rezoning case in which the City of Tuscaloosa was selectively, arbitrarily, capricously, intentional discriminatorily, and confiscatorily taking property from Dr. Asam who wished to practice law in one of the buildings on her property when within 500 feet of her property, the City of Tuscaloosa did rezone from R2 to BN, the same type of rezoning that Dr. Asam was trying to obtain to practice law.

Clearly, Dr. Asam's due process rights to have an appeal was violated when she is not allowed to appeal when circumstances were beyond her control that she was not notified and could not find out about a ruling after diligently asking the clerk's office and the judge's secretary who could not remember any ruling. A violation of due process right in the court is a violation of Dr. Asam's 5t and 14th Amendments to the U.S. Constitution

and is a case of the interpretation and/or misinterpretation of a procedural rule by an intermediate court causing Dr. Asam lack of due process rights in the appellate court to appeal an erroneous summary jdugment decision not based on the law as stated in the merits argument of this instant case.

See Dillard v. Southern States Ford, Inc., 541 So. 2d 483 (Ala. 1989) [Dillard case ignored by lower appellate courts] which held that ... diligent efforts made by trial court to notify plaintiff of hearing on summary judgment motion, Plaintiff's actual notice, ... plaintiff was not denied due process in proceedings in which summary judgment was granted..." However, in the instant case, it was no diligence in notifying Dr. Asam of the Jan. 18, 1990, rendering of judgment in the Case Action Summary Sheet which clearly stated order to follow, which clearly was the intention of the Honorable Judge to have a final judgment order which he did file and enter into

the circuit court on March 26, 1990, making the Notice of appeal timely on April 24, 1990. The trial court's duputy clerk did not find the files until March 6, 1990 which had the case sumamry sheet in the files.

It is difficult to see how a missing file (Case action Summary Sheet and entire case file), can be claimed to be an entered judgment when it was questionable as to whether said files were in the courthouse for over 42 days since the Jan. 18, 1990 ruling.

For entry of judgment, see Turner v. State, 365 So. 2d 335 (Ala. Crim. App.), cert. denied, 365 So. 2d 336 (Ala. 1978), which held that notice of appeal must be filed in the trial court within 42 days after the entry of judgment. [Emphasis added.]

See Holmes v. Powell, 363 So. 2d 760 (Ala. 1978), which defines "entry of Judgment"... refers to the ministerial act of the clerk in spreading the judgment upon the record, as opposed to the "rendition of Judgment" which

is the judicial act of the court in pronoucing a judgment or an order. The point is whether the Jan. 18, 1990, is just a rendering of a judgment and the entry of judgment was not until March 26, 1990, when the court filed and entered the judgment entitled "final judgment" especially since the Jan. 18, 1990, stated "order to follow", and did not state opinion to follow. There is a factual issue as to what the intention of the honorable Judge was meaning when stated "order to follow", which would indicate that his final order had not been made.

This Writ of Certiorari should be granted so that a Merits brief can be written because of the City of Tuscaloosa's unconstitutional invasion of property rights. See Jefferson County v. O'Rorke, 394 So. 2d 937 (Ala. 1981), which states,

"When a zoning restriction exceeds bounds necessary for the welfare of the public, it must be sticken as unconstitutional

invation of property rights. Buritt v. Harris, 172 So. 2d 820 (Fla. 1963)." (Emphasis added.)

See Corn v. City of Lauderdale Lakes, 816 F. 2d 1514 at 1517 (11th Cir., 1987), which states,

"If a zoning ordinance is confiscatory, the relief available is a judicial determination that the ordinance is unenforceable and must be stricken." (Emphasis added.) See City of Miami Beach v. Lachman, 71 So. 2d 148 (Fla. 1953), appeal dismissed, 348 U.S. 906, 75 S. Ct. 292, 99 L. Ed 711 (1955), and Mailman Development Corp. v. City of Hollywood, 286 So. 2d 614 (Fla. 4th DCA 1973, cert. denied, 419 U.S. 844, 95 S. Ct. 77, 42 L. Ed. 2d 72 (1974). See also Kasser v. Dade County, 344 So. 2d 928 (Fla. 3d DCA 1977)."

The City of Tuscaloosa had no valid governmental interest [public health, safet moral, or general welfare] reason to preven

the practice of law; see Valley View Village v. Proffett, 221 F. 2d 412, (6th Cir., 1955), which states,

"The test of validity of municipal zoning ordinance is not number of use districts provided for thereby, but substantial relationship of ordinance to public health, safety, morals or general welfare. (Emphasis added.)

The point is the City of Tuscaloosa failed to show fairly debatable since failed the threshold test when no public interest or governmental interest not to rezone from R2 to BN at Prince Acres 3 and 4. See Hall v. Jefferson County, 450 So. 2d 792 (Ala. 1984).

II

The taking of property rights because procedural state law impinging on the rights of appeal is a violation of the 5th and 14th amendments constitutional rights under the U.S. Constitution because

the City of Tuscaloosa was intentionally and selectively discriminating against Dr. Asam and blocking her from the rezoning from R2 to BN so that she could not practice law because the state procedural law misinterpretion [Failure to follow Dillard case, cited above], especially since the Notice of Appeal was actually timely filed within the appeal time from the entry of the final order on summary judgment which was March 26, 1990, and the notice of appeal was filed on April 24, 1990, should be preempted when federal law violations as shown in this Writ for Certiorari.

Federal law violations of due process rights of Dr. Asam by state highest court misinterpreting local state case law concerning interretation of Rule 4, Alabama Rules of Civil Procedure, when "entry of judgment" was made, preempts local state procedural law, when Dr.

Asam did timely file the Notice of Appeal after the final judgment order was entered and filed.

See Petitt v. Penn, 180 So. 2d 66, (LA, 1966) which defines "due process of law",

"Due process of law" means that no person shall be deprived of life, liberty, property or any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing."

See Owens v. Okure, 57 LW 4065 at 4069, which states,

..."Civil Rights Acts provided: "[a] unique remedy making it appropriate to accord the statute 'a sweep as broad as its language'. Because the § 1983 remedy is one that can "override certain kinds of state laws," Monroe v. Pape, 365 U.S. 167, 173 (1961), and is in all events, supplementary to any remedy any State might have." ... (Emphasis added).

See Seibold v. Daniels, 337 F. Supp. 210 (U.S. Dist. Court, M.D., Ala., 1972), which held,

"A state statute cannot be construed to Obviate a constitutional requirement."

See Horwitt v. Horwitt, D.C. Conn. 1950 90 F. Supp. 529, which held,

"United States Supreme Court may review directly the decision of the highest state courts on the constitutionality, under the Federal Constitution, of state statutes."

Also see Bantam Books, Inc. v. Sullivan, R.I., 1963, 83 S Ct 631, 372 U.S. 58, 9 L. Ed 2d 584, which states,

The Supreme Court's appellante jurisdiction was properly invoked, where the state court judgment sought to be reviewed unheld a state statute against contention that on its face and as applied, the statute violated the federal Constitution."

See Standard Oil Co. v. Graves, Wash. 1919,

49 S Ct 320, 249 U.S. 389, 63 L. Ed. 662, which states,

"While the Supreme Court follows the decision of the highest state court as to the meaning of a state statute which asserted to violate the Federal Constitution, the name given to the statute is not conclusive, and it must be judged by its necessary effect, and if that is to violate the Constitution of the United States the law must be declared void." [Emphasis added.]

CONCLUSION

Base on the reasons and facts stated above, this Writ for Certiorari should be granted to prevent the Petitioner's constitutional rights under the 5th and 14th Amendments to the U.S. Constitution being violated because of the lack of due process in the highest appellate court of the state of Alabama because of the misinterpretation of state procedural rule 4, concerning

when "entry of judgment" is made and the right of appeal should not have been denied. The Writ for Certiorari should be granted a "Merits brief" allowed so that the instant case can be reviewed and the case reversed and remanded as a matter of federal law so that the instant case can be tried by a jury because of the City of Tuscaloosa selectively, arbitrarily, capriciously, intentionally discriminatorily, and confiscatorily taking property by not rezoning from R2 to BN after changes in the neighborhood and violating the equal protection of the law rights of Dr. Asam, when the City of Tuscaloosa within 500 feet of her property City did rezone from R2 to BN selectively, arbitrarily, intentional discriminatorily, and confiscatorily took the property rights of Petitioner.

The Writ of Certiorari should be granted.

Respectively submitted,

Julia Asam

JULIA ASAM

ATTORNEY AT LAW, Pro Se

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NORTHPORT, ALABAMA 35476

205 333-1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the Petition for Writ for Certiorari was sent by U.S. Mail to Mr. Robert Ennis, City Attorney, City of Tuscaloosa, P.O. Box 2089, Tuscaloosa, Alabama 35403 and Mr. Mike Burroughs, 1201 Greensboro Ave., Tuscaloosa, Alabama 35401 this 4 day of November 1991.

Julia Asam

APPENDIX I

Dated April 5, 1991

STATE OF ALABAMA --- JUDICIAL DEPARTMENT

THE COURT OF CIVIL APPEALS

OCTOBER TERM 1990-1991

2900281

Julia McCain Lampkin Asam,Ph.D.,J.D.

v.

City of Tuscaloosa, et al.

Appeal from Tuscaloosa Circuit Court

(CV 89-497.01)

ROBERTSON, Presiding Judge

This case involves the failure to file notice of appeal pursuant to Rule 4, A. R. App. P.

The appellees' motion for summary judgment and supporting affidavits were filed on October 23, 1989. An amended complaint was filed by the appellant on October 27, 1989. Appellees responded with a lengthy motion to dismiss as to all claims in the amended complaint. Appellant, on December

18, 1989, filed a motion objecting to appellees' "motion for summary judgment."

The record reflects that the appellees' motion for summary judgment was granted, and judgment was entered on the case action summary sheet and signed by Judge Baird on January 18, 1990. No appeal was taken from this order. A separate, more explanatory order dated March 23, 1990, was issued by the trial court from which the appellant filed a notice of appeal on April 24, 1990.

If the January 18, 1990, order constitutes an entry of judgment, then this court is without jurisdiction, and this appeal must be dismissed. Timely filing of a notice of appeal is necessary to invoke the jurisdiction of the appellate court and cannot be waived. Rule 2(a)(1), A.R.App.P.

Rule 58(c), A.R.Civ. P., provides that

a judgment is entered as soon as it is noted on the case action summary. The entry of an order in this manner, when signed by the trial judge, evidences the court's intention to adjudicate as well as the substance of the adjudication, Cochran v. Wood, 504 So. 2d 297 (Ala. Civ. App. 1986), and constitutes the entry of the judgment. Dudley v. state Dept. of Human Resources,555 So. 2d 1121 (Ala. Civ. App. 1989).

In reviewing the record, we find that the order entered by the trial court on January 18, 1990, evidenced the trial court's intention to adjudicate all matters between the parties by way of summary judgment. Therefore, the January 18, 1990, order constituted the "entry of judgment" for purposes of computing the time period within which notice of appeal should have been filed. Dudley. The appellant's April 24, 1990, notice of appeal was untimely.

This Court is without appellate jurisdiction, and we have no alternative but to dismiss this appeal.

APPEAL DISMISSED.

Thigpen and Russell, JJ. concur.

[It was impossible for the Plaintiff/Appellant/Petitioner to have filed any appeal from the January 18, 1990, rendering of judgment which was not entered and filed in the court until March 26, 1990, with a final order entitled "final judgment" which was dated March 23, 1990, but not entered until March 26, 1990, making the filing of the Notice of Appeal, April 24, 1990, a timely filing. The Petitioner could not have filed an appeal from the Jan. 18, 1990, rendering of the judgment because the case summary sheet together with the entire case file was missing from the courthouse and/or misfiled, and the Defendants had been told about the Jan. 18, 1990, ruling to write an order, but Dr. Asam had not been notified of the ruling and no one could

remember the ruling in the clerk's office or judge's office until after the appeal time had expired.]

The Honorable Court of Civil Appeals of the state of Alabama was given notice of the gross error of the opinion but the rehearing was overruled.

APPENDIX II

OFFICE OF

CLERK OF THE COURT OF CIVIL APPEALS

STATE OF ALABAMA

MONTGOMERY

RE: CIV 2900281

May 10, 1991

JULIA McCAIN LAMPKIN ASAM, Ph.D.,J.D.,

Appellant

v.

CITY OF TUSCALOOSA, ET AL.

Appellee

You are hereby notified that the following indicated action was taken in the above

cause by the Court of Civil Appeals.

"Application for rehearing overruled. No opinion written on rehearing."

APPENDIX III

THE STATE OF ALABAMA -- JUDICIAL DEPARTMENT

IN THE SUPREME COURT OF ALABAMA

August 9, 1991

1901284

Ex parte Julia McCain Lampkin Asam, Ph.D.,J.D.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (Re: Julia McCain Lampkin Asam, Ph.D.,J.D., v. City of Tuscaloosa, et al.) (CIV 2900281 (Tuscaloosa CV-89-497.01)

CERTIFICATE OF JUDGMENT

Writ Denied

The above cause having been duly submitted, IT IS CONSIDERED AND ORDERED that the petition for writ of certiorari is denied.

ADAMS, J. - Hornsby, CJ., Almon, Steagall and Ingram, JJ., concur.

s/ Robert G. Esdale
Clerk, Supreme Court of Alabama